

REMARKS/ARGUMENTS

Interview: On September 27, 2004, the Examiner granted an impromptu interview for this case. Applicants set forth in the interview the position that a non-final Office Action was appropriate in this circumstance. In the interview, the Examiner confirms acceptance of the proposition that Lin et al. does not disclose use of an *immediate value* even though the first and final Office Actions exclusively rely upon Lin et al. for this proposition. The Advisory Action seems to set forth the new proposition that Mennemeier teaches the use an *immediate value*, and that when combined with Lin et al., the combination discloses the limitations in all the claims. But, the final Office Action mailed May 20, 2004 only rejects independent claim 9 under 35 U.S. C. §103(a) as being obvious over Lin et al. in view of Wang without any mention of Mennemeier. Given that the Office has apparently changed its position with regard to how claim 9 is rejected by citing Mennemeier against this claim for the first time in the Advisory Action, Applicants respectfully request that a non-final Office Action be issued to allow the Applicants the right to argue against this rejection without filing an appeal.

Rejection: If the Applicant's follow the argument in the final Office Action and Advisory Action, Official Notice is apparently relied upon to combine Lin et al. and Mennemeier as the motive stated in the Advisory Action and the final Office Action does not cite any reference. If Official Notice is being proposed and maintained for the proposition that there is some type of motivation to combine these references, Applicant's respectfully traverse this Official Notice and hereby request an express showing of documentary proof for this proposition as set forth in MPEP 2144.03.

CONCLUSION

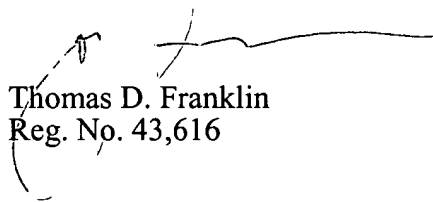
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. Reconsideration of the claims in their current form is respectfully requested.

Appl. No. 09/801,564
Amdt. dated September 27, 2004
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2124

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Thomas D. Franklin
Reg. No. 43,616

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
TDF:cmb
60318792 v1